

BILL NO. **00-11**

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

AS AMENDED

BILL NO. 00-11 (As Amended)

Introduced by Council President Hirsch at the request of the County Executive and
Council Members Wagner and Stepp

Legislative Day No. 00-9 Date March 21, 2000

AN ACT to repeal Subsection I(4), Towers, communications and broadcasting, of Section 267-53, Specific standards, of Part 1, Standards, of Chapter 267, Zoning; to add new Article VIIIA, Telecommunications Facilities, to Chapter 267, Zoning; to repeal and reenact, with amendments, Table I: Principal Permitted Uses for Specific Zoning Districts: Transportation, Commun., & Utilities (TCU), of Chapter 267, Zoning, all of the Harford County Code, as amended; to provide for the purposes for this new article; to establish certain definitions; to permit certain antennas as an accessory use subject to certain requirements; to permit certain towers by right in certain districts; to establish certain requirements applicable to all towers; to establish certain additional requirements for towers in certain districts; to provide for an exemption from the provisions of this act for certain public safety uses; and generally relating to telecommunications facilities.

By the Council, March 21, 2000

Introduced, read first time, ordered posted and public hearing scheduled

on: April 18, 2000

at: 7:00 p.m.

By Order: James E. Massey, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 18, 2000 and concluded on, April 18, 2000

James E. Massey, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. **00-11**

AS AMENDED

Section 1. Be It Enacted By The County Council of Harford County, Maryland, that Subsection I(4), Towers, communications and broadcasting, of Section 267-53, Specific standards, of Part 1, Standards, of Chapter 267, Zoning, be and it is hereby repealed; that new Article VIIIA, Telecommunications Facilities, be and it is hereby added to Chapter 267, Zoning; and that Table I: Principal Permitted Uses for Specific Zoning Districts: Transportation, Commun., & Utilities (TCU), be and it is hereby repealed and reenacted, with amendments, all of the Harford County Code, as amended, all to read as follows:

Chapter 267. Zoning

Part 1. Standards

Article VIII. Special Exceptions

§ 267-53. Specific standards.

I. Transportation, communications and utilities (TCU).

[(4) Towers, communications and broadcasting. These uses may be granted in the AG, B2 and B3 Districts, provided that the setback of the tower from all property lines shall be equal to the height of the tower plus ten (10) feet.]

ARTICLE VIIIA. TELECOMMUNICATIONS FACILITIES

§ 267-53.1. PURPOSE.

THE COUNTY FINDS THAT THE PROVISIONS OF THIS ARTICLE ARE NECESSARY IN ORDER TO:

A. MINIMIZE THE NUMBER OF COMMUNICATIONS TOWERS IN HARFORD COUNTY.

B. ENCOURAGE THE CO-LOCATION OF TELECOMMUNICATIONS FACILITIES.

1 C. ENCOURAGE THE USE OF EXISTING BUILDINGS, TOWERS, LIGHTS,
2 UTILITY POLES, WATER TOWERS AND OTHER SIMILAR STRUCTURES FOR
3 ANTENNAS.

4 D. ALLOW TELECOMMUNICATIONS PROVIDERS TO BUILD OUT THEIR
5 SYSTEMS OVER TIME.

6 E. ENSURE THAT ALL TELECOMMUNICATIONS FACILITIES, INCLUDING
7 TOWERS, ANTENNAS AND ANCILLARY FACILITIES, ARE LOCATED AND DESIGNED
8 TO MINIMIZE THE VISUAL IMPACT ON THE IMMEDIATE SURROUNDINGS AND
9 THROUGHOUT THE COUNTY.

10 F. REQUIRE THE COUNTY TO CREATE A GOVERNMENT INFORMATION
11 SYSTEM DATABASE THAT CONTAINS INFORMATION REGARDING THE LOCATION OF
12 ALL COMMUNICATIONS ANTENNAS, THE LOCATION OF ALL COMMUNICATIONS
13 TOWERS AND INFORMATION RELATIVE TO THE CARRYING CAPACITY OF EACH
14 TOWER.

15 G. ENSURE THAT ALL TELECOMMUNICATIONS FACILITIES, INCLUDING
16 TOWERS, ANTENNAS AND ANCILLARY FACILITIES, ARE INSTALLED IN SUCH A
17 MANNER AS TO MINIMIZE DISTURBANCE TO EXISTING VEGETATION AND DESIGNED
18 TO INCLUDE SUITABLE LANDSCAPING TO SCREEN THE FACILITY, WHERE
19 NECESSARY.

20 H. ENSURE THAT IF A NEW COMMUNICATIONS TOWER MUST BE BUILT,
21 THE TOWER SHOULD BE:

22 (1) CONSTRUCTED TO ACCOMMODATE 3 OR MORE PROVIDERS
23 WHEN PRACTICABLE;

(2) ERECTED IN A MEDIUM OR HIGH INTENSITY COMMERCIAL ZONE
WHEN PRACTICABLE;

(3) LOCATED AND DESIGNED TO MINIMIZE ITS VISIBILITY FROM
RESIDENTIAL PROPERTIES; AND

(4) AVAILABLE FOR CO-LOCATION FOR A GOVERNMENT SANCTIONED
PUBLIC SAFETY USE PRIOR TO ITS AVAILABILITY TO ANOTHER PROVIDER.

§ 267-53.2. DEFINITIONS.

FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES
SHALL HAVE THE MEANINGS PROVIDED BELOW:

CO-LOCATION -- PLACEMENT OF AN ANTENNA ON AN EXISTING
COMMUNICATIONS TOWER, BUILDING, LIGHT, UTILITY POLE OR WATER TOWER
WHERE THE ANTENNA AND ALL SUPPORTS ARE LOCATED ON THE EXISTING
STRUCTURE.

COMMUNICATIONS ANTENNA -- IS ANY STRUCTURE OR DEVICE DEPLOYED
BY OR ON BEHALF OF ANY GOVERNMENT-LICENSED OR GOVERNMENT-PERMITTED
ENTITY TO COLLECT OR RADIATE ELECTROMAGNETIC WAVES, INCLUDING
DIRECTIONAL ANTENNAS, MICROWAVE DISHES AND SATELLITE DISHES, AND OMNI-
DIRECTIONAL ANTENNAS. COMMUNICATIONS ANTENNA DOES NOT INCLUDE A
RADIO OPERATOR ANTENNA OPERATED BY AN AMATEUR RADIO OPERATOR WHO
IS LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION AND WHOSE
DOMICILE IS ON THE LOT WHERE THE ANTENNA AND RELATED EQUIPMENT IS
PLACED.

COMMUNICATIONS TOWER -- IS A STRUCTURE ERECTED TO SUPPORT

1 COMMUNICATIONS ANTENNAS. COMMUNICATIONS TOWERS INCLUDE, BUT ARE
2 NOT LIMITED TO:

3 A. A LATTICE TOWER IS A STRUCTURE WHICH CONSISTS OF
4 VERTICAL AND HORIZONTAL SUPPORTS AND METAL CROSSED STRIPS OR BARS TO
5 SUPPORT ANTENNAS AND CONNECTING APPURTENANCES. LATTICE TOWERS MAY
6 BE FREESTANDING OR SUPPORTED BY GUY WIRES. (SEE GUYED TOWER.)

7 B. A MONOPOLE IS A STRUCTURE WHICH CONSISTS OF A SINGLE
8 FREESTANDING POLE STRUCTURE TO SUPPORT ANTENNAS AND CONNECTING
9 APPURTENANCES.

10 C. A GUYED TOWER IS ANY COMMUNICATIONS TOWER USING GUY
11 WIRES CONNECTING ABOVE GRADE PORTIONS OF A COMMUNICATIONS TOWER
12 DIAGONALLY WITH THE GROUND TO PROVIDE SUPPORT FOR TOWER, ANTENNAS
13 AND CONNECTING APPURTENANCES.

14 COMMUNICATIONS TOWER HEIGHT -- SHALL BE MEASURED FROM THE
15 LOWEST POINT OF THE BASE AT GROUND LEVEL ON WHICH THE TOWER IS
16 MOUNTED TO THE TOP OF THE TOWER OR THE TOP OF THE HIGHEST POINT,
17 WHICHEVER IS GREATER.

18 EQUIPMENT BUILDING -- IS ANY STRUCTURE, CABINET OR BOX, ACCESSORY
19 TO A COMMUNICATIONS TOWER OR COMMUNICATIONS ANTENNAS, THAT HOUSES
20 EQUIPMENT RELATED TO THE WIRELESS TRANSMISSION OF VOICE, DATA OR OTHER
21 SIGNAL.

22 **§ 267-53.3. ACCESSORY USES.**

23 A. COMMUNICATIONS ANTENNAS MAY BE PLACED, AS ACCESSORY USES,

1 UPON ANY EXISTING STRUCTURE IN ANY DISTRICT AS A MATTER OF RIGHT,
2 SUBJECT TO THE FOLLOWING RESTRICTIONS:

3 (1) COMMUNICATIONS ANTENNAS AND ANY RELATED MOUNTING
4 STRUCTURES MAY NOT BE MORE THAN 12 FEET IN TOTAL HEIGHT WITHOUT A
5 VARIANCE;

6 (2) NO COMMUNICATIONS ANTENNAS SHALL BE PLACED UPON ANY
7 SINGLE FAMILY RESIDENCE;

8 (3) IF THE ADDITION OF COMMUNICATIONS ANTENNAS TO AN
9 EXISTING STRUCTURE TRIGGERS A GOVERNMENTAL LIGHTING REQUIREMENT
10 WITH RESPECT TO A FACILITY THAT IS NOT ALREADY SUBJECT TO SUCH A
11 REQUIREMENT, THE ADDITION WILL BE ALLOWED ONLY BY SPECIAL EXCEPTION
12 THROUGH THE GRANTING OF AN AREA VARIANCE;

13 (4) A BUILDING PERMIT SHALL BE REQUIRED; AND

14 (5) CERTIFICATION FROM THE APPLICANT THAT ITS EQUIPMENT
15 WILL MEET ALL APPLICABLE FEDERAL STANDARDS GOVERNING THE EMISSION OF
16 ENERGY.

17 B. EQUIPMENT BUILDINGS THAT DO NOT EXCEED 560 SQUARE FEET PER
18 BUILDING PER PROVIDER OR A SINGLE EQUIPMENT BUILDING THAT DOES NOT
19 EXCEED 560 SQUARE FEET PER PROVIDER ARE PERMITTED IN ANY DISTRICT AS
20 ACCESSORY USES.

21 **§ 267-53.4. COMMUNICATIONS TOWERS.**

22 A. COMMUNICATIONS TOWERS SHALL BE ALLOWED BY RIGHT, UP TO 199
23 FEET, IN THE CI, GI, LI AND B3 DISTRICTS.

1 B. A COMMUNICATIONS TOWER SHALL BE ALLOWED BY RIGHT WITHIN
2 AN EXISTING OVERHEAD TRANSMISSION LINE RIGHT-OF-WAY PROVIDED THAT THE
3 HEIGHT OF THE COMMUNICATIONS TOWER DOES NOT EXCEED THE HEIGHT OF THE
4 EXISTING STRUCTURE BY MORE THAN 20%.

5 C. COMMUNICATIONS TOWERS SHALL BE ALLOWED BY SPECIAL
6 EXCEPTION, UP TO 199 FEET, IN THE R, RR, R1, R2, VR, VB, B1, B2 AND AG DISTRICTS.

7 **§ 267-53.5. PROVISIONS APPLICABLE TO ALL COMMUNICATIONS TOWERS.**

8 A. ALL COMMUNICATIONS TOWERS SHALL BE STRUCTURALLY DESIGNED
9 TO ACCOMMODATE FOR CO-LOCATION, WHICH SHALL MEAN THE ABILITY OF THE
10 STRUCTURE TO ALLOW FOR THE PLACEMENT OF ANTENNAS FOR 3 OR MORE
11 CARRIERS. THIS PROVISION MAY BE WAIVED BY THE APPROVING BODY IF IT IS
12 DETERMINED THAT A CO-LOCATION DESIGN WILL HAVE AN ADVERSE IMPACT ON
13 THE SURROUNDING AREA.

14 B. NO AVIATION-RELATED LIGHTING SHALL BE PLACED UPON ANY
15 COMMUNICATIONS TOWER UNLESS SPECIFICALLY REQUIRED BY THE FEDERAL
16 AVIATION ADMINISTRATION OR OTHER GOVERNMENTAL ENTITY.

17 C. MONOPOLES SHALL BE THE PREFERRED COMMUNICATIONS TOWER
18 STRUCTURE TYPE WITHIN THE COUNTY.

19 D. TO THE EXTENT PRACTICABLE, COMMUNICATION TOWERS SHALL
20 HAVE SUITABLE LANDSCAPING IN ORDER TO SCREEN THE SITE FROM ADJOINING
21 PROPERTIES.

22 E. THE ONLY SIGNAGE PERMITTED ON ANY COMMUNICATIONS TOWER
23 SHALL BE A SINGLE SIGN NO LARGER THAN 6 SQUARE FEET, AFFIXED TO THE

1 EQUIPMENT BUILDING OR FENCE ENCLOSURE THAT IDENTIFIES THE TOWER
2 OWNER, EACH LOCATING PROVIDER AND THE TELEPHONE NUMBER FOR THE
3 PERSON TO CONTACT IN THE EVENT OF AN EMERGENCY.

4 F. UPON COMPLETION OF A COMMUNICATIONS TOWER AND EVERY 5
5 YEARS AFTER THE DATE OF COMPLETION, THE OWNER OF THE TOWER SHALL
6 SUBMIT TO THE ZONING ADMINISTRATOR WRITTEN CERTIFICATION FROM A
7 PROFESSIONAL ENGINEER VERIFYING THAT THE TOWER MEETS ALL APPLICABLE
8 BUILDING CODE AND SAFETY REQUIREMENTS APPLICABLE AT THE TIME THE
9 ORIGINAL BUILDING PERMIT WAS ISSUED. FAILURE TO SUBMIT SAID
10 CERTIFICATION WITHIN 60 DAYS OF WRITTEN NOTIFICATION BY THE DEPARTMENT
11 OF PLANNING AND ZONING TO THE OWNER OF THE TOWER OR ANY SUCCESSOR IN
12 INTEREST SHALL RESULT IN THE START OF THE REVOCATION PROCESS FOR THE
13 TOWER APPROVAL.

14 G. ALL ZONING CERTIFICATE APPLICATIONS FOR THE CONSTRUCTION OF
15 NEW COMMUNICATIONS TOWERS SHALL BE SUBJECT TO THE DAC REVIEW
16 PROCESS, WITH THE FOLLOWING ADDITIONAL REQUISITES:

17 (1) WHETHER AN APPLICANT HAS SATISFIED THE RADIO
18 FREQUENCY NEED REQUIREMENTS IDENTIFIED IN THIS SECTION SHALL BE
19 REVIEWED BY A RADIO FREQUENCY ENGINEER. THE ENGINEER SHALL BE
20 RETAINED BY THE COUNTY FROM AN APPROVED PANEL OF SUCH ENGINEERS TO
21 BE CREATED AND MAINTAINED BY THE COUNTY. THE ENGINEER SHALL
22 DETERMINE WHETHER THE APPLICANT HAS SHOWN A RADIO FREQUENCY NEED,
23 BASED ON COVERAGE AND/OR CAPACITY ISSUES, OR OTHER ENGINEERING

1 REQUISITES, TO CONSTRUCT A NEW COMMUNICATIONS TOWER;

2 (2) WHEN THE COMMUNICATIONS TOWER IS PERMITTED BY RIGHT,
3 THE ENGINEER'S DETERMINATION SHALL BE MADE IN THE ORDINARY COURSE OF
4 DAC REVIEW;

5 (3) WHEN THE COMMUNICATIONS TOWER IS ALLOWED BY SPECIAL
6 EXCEPTION, THE COUNTY'S RADIO FREQUENCY ENGINEERING REVIEW SHALL BE
7 MADE IN CONNECTION WITH THE STAFF REPORT REVIEW PURSUANT TO CHAPTER
8 A274-1.D. SUCH REVIEW WILL BE COMPLETED PRIOR TO ANY ZONING HEARING
9 AND WILL PRECLUDE FURTHER DAC REVIEW OF RADIO FREQUENCY ISSUES; AND

10 (4) THE COUNTY'S RADIO FREQUENCY ENGINEER SHALL ENSURE
11 THAT ANY NEW TOWER DOES NOT INTERFERE WITH OR OBSTRUCT EXISTING OR
12 PROPOSED COMMUNICATIONS TOWERS DESIGNED FOR PUBLIC SAFETY USE.

13 H. THE APPLICANT SHALL BE RESPONSIBLE FOR MAINTAINING THE
14 COMMUNICATIONS TOWER IN A SAFE CONDITION.

15 I. COMMUNICATIONS TOWERS SHALL BE UTILIZED CONTINUOUSLY FOR
16 WIRELESS COMMUNICATIONS. IN THE EVENT THAT A COMMUNICATIONS TOWER
17 CEASES TO BE USED FOR WIRELESS COMMUNICATIONS FOR A PERIOD OF 6
18 MONTHS, THE APPROVAL WILL BE REVOKED. IN THE EVENT THAT THE ZONING
19 ADMINISTRATOR IS PRESENTED WITH EVIDENCE THAT FURTHER VIABILITY OF THE
20 TOWER IS IMMINENT, THE ZONING ADMINISTRATOR MAY GRANT ONE EXTENSION
21 OF THE APPROVAL FOR A PERIOD NOT TO EXCEED 6 MONTHS BEYOND THE
22 REVOCATION OF THE USE. THE APPLICANT SHALL TAKE ALL NECESSARY STEPS TO
23 DISMANTLE THE TOWER AND REMOVE AND DISPOSE OF ALL VISIBLE REMNANTS

1 AND MATERIALS FROM THE SUBJECT PARCEL WITHIN 90 DAYS AFTER
2 TERMINATION. THE APPLICANT SHALL ENSURE REMOVAL OF THE TOWER AND ALL
3 ASSOCIATED ACCESSORY STRUCTURES BY POSTING AN ACCEPTABLE MONETARY
4 GUARANTEE WITH THE COUNTY ON FORMS PROVIDED BY THE OFFICE OF THE
5 ZONING ADMINISTRATOR. THE GUARANTEE SHALL BE SUBMITTED PRIOR TO THE
6 ISSUANCE OF A BUILDING PERMIT AND SHALL BE FOR AN AMOUNT EQUAL TO A
7 COST ESTIMATE APPROVED BY THE ZONING ADMINISTRATOR FOR THE REMOVAL
8 OF THE TOWER, PLUS A 15% CONTINGENCY.

9 J. EVERY APPLICATION FOR THE CONSTRUCTION OF A NEW
10 COMMUNICATIONS TOWER SHALL INCLUDE THE FOLLOWING:

11 (1) INFORMATION DEMONSTRATING THE APPLICANT'S RADIO
12 FREQUENCY NEED FOR THE FACILITY, INCLUDING COMPUTER MODELING
13 INFORMATION, AN EXPLANATION AS TO WHY CO-LOCATION IS NOT FEASIBLE AND
14 A LIST OF ALTERNATIVE SITES CONSIDERED;

15 (2) A CHECKLIST PREPARED IN CONFORMITY WITH SECTION 106 OF
16 THE NATIONAL ENVIRONMENTAL POLICY ACT AND ANY OTHER DOCUMENTS FILED
17 BY THE APPLICANT WITH THE FCC RELATED TO THIS SITE IF REQUESTED BY THE
18 DEPARTMENT;

19 (3) A SITE PLAN, INCLUDING THE LAYOUT OF THE SITE, A DRAWING
20 OR OTHER PHYSICAL DEPICTION OF THE PROPOSED COMMUNICATIONS TOWER AND
21 ANY EQUIPMENT BUILDINGS, AND A MAP SHOWING THE AREA WITHIN A ONE MILE
22 RADIUS OF THE TOWER;

23 (4) A DESCRIPTION OF THE NUMBER OF CARRIERS' EQUIPMENT

1 THAT THE TOWER CAN ACCOMMODATE AND A STATEMENT AS TO WHETHER THE
2 APPLICANT WILL ALLOW OTHER CARRIERS TO CO-LOCATE ON THE FACILITY;

3 (5) DOCUMENTATION DEMONSTRATING THE TOWER SHALL BE
4 DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH ANY APPLICABLE AMERICAN
5 NATIONAL STANDARDS INSTITUTE STANDARDS;

6 (6) PROOF THAT THE APPLICANT OWNS OR OTHERWISE HAS
7 PERMISSION TO USE THE SITE, ALONG WITH ANY EASEMENTS NECESSARY TO
8 ACCESS THE SITE;

9 (7) A CERTIFICATION FROM EACH CARRIER THAT WILL UTILIZE THE
10 FACILITY THAT ITS EQUIPMENT WILL MEET ALL APPLICABLE FEDERAL STANDARDS
11 GOVERNING THE EMISSION OF ENERGY FROM SUCH FACILITIES; AND

12 (8) A NONBINDING 5-YEAR PLAN SHOWING THE APPLICANT'S
13 EXISTING AND PROPOSED COMMUNICATIONS NETWORK WITHIN THE COUNTY. IN
14 ACCORDANCE WITH STATE LAW ON ACCESS TO PUBLIC RECORDS, § 10-611 ET SEQ.
15 OF THE STATE GOVERNMENT ARTICLE, THE DEPARTMENT SHALL TREAT THE 5-
16 YEAR PLAN IT OBTAINS AS CONFIDENTIAL AND SHALL NOT PERMIT PUBLIC
17 INSPECTION OF THAT INFORMATION.

18 K. WHEN PROPOSING A NEW COMMUNICATIONS TOWER, THE APPLICANT
19 MUST DEMONSTRATE A RADIO FREQUENCY NEED FOR SUCH A FACILITY BY
20 SHOWING:

21 (1) THAT THE APPLICANT HAS RESEARCHED THE CO-LOCATION
22 POSSIBILITIES IN THE AREA, INCLUDING IN ITS RESEARCH A REVIEW OF THE
23 COUNTY'S DATABASE OF STRUCTURES; AND

(2) THAT DUE TO THE ABSENCE OF SUFFICIENTLY TALL STRUCTURES IN THE SEARCH AREA, THE ABSENCE OF STRUCTURAL CAPACITY ON EXISTING STRUCTURES OR OTHER VALID ENGINEERING OR ECONOMIC FACTORS, NO VIABLE CO-LOCATION OPPORTUNITIES EXIST IN THE SEARCH AREA.

§ 267-53.6. ADDITIONAL SPECIAL EXCEPTION REQUIREMENTS.

AN APPLICANT PROPOSING A NEW COMMUNICATIONS TOWER IN THE R, RR, R1, R2, VR, VB, B1, B2 OR AG DISTRICTS SHALL DEMONSTRATE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CONDITIONS:

A. THE PLACEMENT OF THE COMMUNICATIONS TOWER AT THE PROPOSED LOCATION WILL NOT HAVE A MATERIAL NEGATIVE IMPACT ON THE VALUE, USE OR ENJOYMENT OF ANY ADJOINING PARCEL.

B. THE APPLICANT HAS MADE A DILIGENT ATTEMPT TO LOCATE THE APPLICANT'S ANTENNA ON AN EXISTING TOWER OR NONRESIDENTIAL BUILDING OR STRUCTURE.

C. THE APPLICANT SHALL PROVIDE THE FOLLOWING ADDITIONAL INFORMATION IN SUPPORT OF ITS APPLICATION:

(1) PHOTOGRAPHS OF EXISTING SITE CONDITIONS;

(2) PHOTOGRAPHS DEMONSTRATING THAT A BALLOON TEST HAS BEEN CONDUCTED, OR OTHER EVIDENCE DEPICTING THE VISUAL IMPACT OF THE PROPOSED TOWER WITHIN A ONE MILE RADIUS OF THE TOWER; AND

(3) A MAP DESCRIBING THE TOPOGRAPHY OF THE SITE AND THE AREA WITHIN A ONE-MILE RADIUS OF THE PROPOSED TOWER.

§ 267-53.7. ADDITIONAL PROVISIONS APPLICABLE TO PROPOSED SITINGS IN R,

1 RR, R1, R2, VR, VB AND B1 DISTRICTS.

2 A. APPLICATIONS PROPOSING NEW COMMUNICATIONS TOWERS IN THE
3 R, RR, R1, R2, VR, VB AND B1 DISTRICTS SHALL BE PRESUMED NOT TO BE FAVORED
4 UNLESS THE APPLICANT CAN DEMONSTRATE THAT NO SUITABLE ALTERNATIVE
5 SITE EXISTS. IN ORDER TO OBTAIN A SPECIAL EXCEPTION IN ONE OF THESE
6 DISTRICTS, THE APPLICANT MUST DEMONSTRATE, IN ADDITION TO THE REQUISITES
7 APPLICABLE TO ALL OTHER TOWER REQUESTS, THE FOLLOWING:

8 (1) THERE EXISTS NO SUITABLE ALTERNATIVE LOCATION IN A B2,
9 B3, CI, GI, LI OR AG DISTRICT IDENTIFYING WITH PARTICULARITY ANY OTHER SITES
10 CONSIDERED;

11 (2) THERE IS SOMETHING UNIQUE ABOUT THE PROPOSED
12 LOCATION, SUCH AS ITS SIZE, THE NATURE OF SURROUNDING USES OR OTHER
13 FACTORS, THAT NEGATES THE PRESUMPTION THAT SUCH FACILITIES ARE
14 GENERALLY INCOMPATIBLE WITH RESIDENTIAL ZONING; AND

15 (3) THAT DUE TO THE LOCATION, ELEVATION, ENGINEERING,
16 TECHNICAL FEASIBILITY OR INABILITY TO OBTAIN A LEASE OR OWNERSHIP OF A
17 LOCATION ELSEWHERE, THE CONSTRUCTION OF A TOWER AT THE PROPOSED
18 LOCATION IS WARRANTED.

19 **§ 267-53.8. PUBLIC SAFETY USES.**

20 THE CONSTRUCTION OF COMMUNICATIONS TOWERS DETERMINED TO BE
21 NECESSARY IN ACCORDANCE WITH ~~AN ESTABLISHED PLAN~~ A PLAN APPROVED BY
22 THE COUNTY COUNCIL FOR GOVERNMENT SANCTIONED PUBLIC SAFETY USE OR
23 THE MOUNTING OF COMMUNICATIONS ANTENNAS FOR GOVERNMENT SANCTIONED

1 PUBLIC SAFETY USE IS EXEMPT FROM ~~THE PROVISIONS OF THIS LEGISLATION.~~
2 ~~PUBLIC SAFETY USE IS DEFINED AS FIRE/MEDICAL SERVICES, LAW ENFORCEMENT~~
3 ~~SERVICES AND PUBLIC WORKS ACTIVITIES DESIGNED TO PROTECT THE HEALTH,~~
4 ~~SAFETY AND WELFARE OF THE PUBLIC. THE PROVISIONS CONTAINED IN SECTIONS~~
5 267-53.6 AND 267-53.7 OF THIS LEGISLATION. PUBLIC SAFETY USE IS DEFINED AS
6 LOCAL AND STATE LAW ENFORCEMENT AGENCIES AND EMERGENCY
7 OPERATIONS CENTER, INCLUDING THE OVERSIGHT OF THE VOLUNTEER FIRE
8 COMPANIES AND MEDICAL SERVICES, DESIGNED TO PROTECT THE HEALTH,
9 SAFETY AND WELFARE OF THE PUBLIC BUT DOES NOT INCLUDE THE OPERATIONS
10 OF THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS OR THE HUMANE
11 SOCIETY.

12 Section 2. And Be It Further Enacted That this Act shall take effect 60 calendar days from the
13 date it becomes law.

14 EFFECTIVE: July 31, 2000

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*

Council Administrator

HARFORD COUNTY BILL NO. 00-11 (as amended)

00-11

AS AMENDED

Brief Title) Telecommunications Towers - Conditions for Construction

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James E. Massey Jr.
Council Administrator

[Signature]
President of the Council

Date 5-23-00

Date 5/23/00

BY THE COUNCIL

Read the third time.

Passed: LSD 00-16 (as amended)

Failed of Passage: _____

By Order

James E. Massey Jr.
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 25th day of May, 2000, at 3:00 p.m.



James E. Massey Jr.
Council Administrator

BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date May 30, 2000

BY THE COUNCIL

This Bill (No. 00-11, as amended), having been approved by the Executive and returned to the Council, becomes law on May 30, 2000.

James E. Massey Jr.
Council Administrator

EFFECTIVE DATE: July 31, 2000

00-11
AS AMENDED